

AMENDED IN ASSEMBLY AUGUST 28, 2004
AMENDED IN ASSEMBLY AUGUST 26, 2004
AMENDED IN ASSEMBLY AUGUST 23, 2004
AMENDED IN ASSEMBLY JUNE 29, 2004
AMENDED IN ASSEMBLY JUNE 7, 2004
AMENDED IN SENATE MAY 7, 2003
AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 592

Introduced by Senator Denham

(Principal coauthors: Assembly Members Aghazarian, Berg, Cogdill, Matthews, and Mullin)

February 20, 2003

An act to add Sections 15202.2 and 15202.3 to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 592, as amended, Denham. Local government finance.

Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for ~~homicide~~ *homicide* trials.

The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.

The bill would require the Controller to reimburse a county having a population below a specified level for 100% of the allowable costs in

a case in which the trial venue has been changed from that county to a location more than 60 miles from the county seat of that county.

This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus for the homicide prosecution of Scott Peterson. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.

This bill would provide that it shall only become operative if AB 1075 is enacted and becomes operative. This bill would further provide that if this bill and AB 1075 both add Section 15202.3 to the Government Code, only Section 15202.3, as added by this bill, would become operative. The bill would further provide that if both bills are enacted Section 4 of AB 1075 shall not become operative.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15202.2 is added to the Government
- 2 Code, to read:
- 3 15202.2. Notwithstanding any other provision of law, if the
- 4 venue for the trial of a homicide case has been changed from a
- 5 county that is eligible for reimbursement under subdivision (a) or
- 6 (b) of Section 15202 to a location more than 60 miles from the
- 7 county seat of that county, the Controller shall reimburse the
- 8 county from which the venue was transferred for 100 percent of
- 9 the allowable costs incurred by that county.
- 10 SEC. 2. Section 15202.3 is added to the Government Code, to
- 11 read:
- 12 15202.3. (a) Notwithstanding any other provision of law,
- 13 requests for reimbursement of local agency costs for homicide
- 14 trials shall be reviewed by the Controller prior to payment.
- 15 (b) The Controller shall not reimburse any local agency for
- 16 costs incurred pursuant to Section 15202 that exceed the California
- 17 Victim Compensation and Government Claims Board's standards



1 for travel and per diem expenses. The Controller may reimburse
2 extraordinary costs in unusual cases if the local agency provides
3 sufficient justification of the need for these expenditures. Nothing
4 in this section shall permit the reimbursement of costs for travel in
5 excess of 1,000 miles on any single round trip, without the prior
6 approval of the Attorney General.

7 (c) The Controller shall reimburse local agencies for
8 reasonable and necessary expenses incurred pursuant to Section
9 15202, except that reimbursements to a local agency shall not
10 exceed the following:

11 (1) For attorney services, an hourly rate equal to that county's
12 average hourly cost for public defenders, the hourly rate paid to
13 appointed counsel, or the hourly rate charged state agencies by the
14 Attorney General for attorney services, whichever rate is less.

15 (2) For investigators, an hourly rate equal to that county's
16 average hourly cost for county-employed investigators or the
17 hourly rate charged state agencies by the Attorney General for
18 investigators, whichever rate is less.

19 (3) For expert witnesses, the hourly rate that the county
20 generally pays for these services.

21 SEC. 3. (a) Notwithstanding any other provision of law,
22 funds appropriated by Item 8180-101-0001 of the Budget Act of
23 2004 shall be available for reimbursement of 100 percent of the
24 costs incurred by the County of Stanislaus ~~and the City of Modesto~~
25 for the homicide investigation and prosecution of Scott Peterson.

26 (b) Notwithstanding any other section of law, for any county
27 with a population of 50,000 or less funds, appropriated by Item
28 8180-101-0001 of the Budget Act of 2004 shall be available for
29 reimbursement of 100 percent of the costs incurred for the conduct
30 of a homicide trial.

31 SEC. 4. (a) This act shall only become operative if Assembly
32 Bill 1075 of the 2003–04 Regular Session is enacted and becomes
33 operative.

34 (b) If this bill and Assembly Bill 1075 are both enacted and
35 both add Section 15202.3 to the Government Code, Section
36 15202.3, as added to the Government Code by Assembly Bill
37 1075, shall not become operative and Section 15202.3 as added to
38 the Government Code by this bill shall become operative.

39 (c) If this bill and Assembly Bill 1075 are enacted, Section 4 of
40 Assembly Bill 1075 shall not become operative.

1 SEC. 5. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety
3 within the meaning of Article IV of the Constitution and shall go
4 into immediate effect. The facts constituting the necessity are:

5 In order to provide the County of Stanislaus, ~~the City of~~
6 ~~Modesto~~, and certain small counties with urgently needed fiscal
7 assistance at the earliest possible time, it is necessary that this act
8 take effect immediately.

